

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

STEPHANIE LYNN FORD,

:

Plaintiff,

:

v.

:

C.A. No. 06-301

:

CHRISTIANA CARE HEALTH SYSTEMS,
RICHARD BURTON, and CLARA CLARK,

:

Defendants.

:

**DEFENDANTS' ANSWER AND
ADDITIONAL DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendants Christiana Care Health Systems (“Christiana Care”), Richard Burton (“Mr. Burton”) and Clare Clark (“Ms. Clark”), improperly named in the Complaint as Clara Clark (collectively “Defendants”), through their attorneys, hereby answer Plaintiff Stephanie Ford’s (“Plaintiff”) Complaint in accordance with its numbered paragraphs as follows:

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.
2. Christiana Care admits that it operates a place of business located at 200 Hygia Drive, Newark, Delaware 19713.
3. Denied.
4. Denied.
5. It is admitted that Plaintiff began employment with Christiana Care on August 24, 1987. The allegation in this paragraph regarding the date of the term of Plaintiff's employment is denied. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5.

6. Defendants admit only that Plaintiff has attached to her Complaint an April 5, 2004 document purporting to clear her for work with restrictions on April 13, 2004. That document speaks for itself and the remaining allegations of paragraph 6 are denied.

7. Defendants admit that Plaintiff has attached to her Complaint an April 13, 2004 document purporting to clear her for work with restrictions. That document speaks for itself. It is admitted that Christiana Care referred Plaintiff to an in-house recruiter, and that Mr. Burton met with Plaintiff to advise her as to job-search strategies and that he informed her that the position that Plaintiff previously held at Christiana Care was not available. The remaining allegations of paragraph 7 are denied.

8. It is admitted that in April 2004 Mr. Burton discussed job search options with Plaintiff. The remaining allegations of paragraph 8 are denied.

9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9.

10. Defendants admit only that Plaintiff applied for several positions at Christiana Care in April 2004. The remaining allegations of paragraph 10 are denied.

11. Christiana Care admits that Plaintiff was previously employed as a Clerk III in Health Information Management Services' Radiology department. The remaining allegations of paragraph 11 are denied.

12. It is admitted that Plaintiff and Ms. Clark had a telephone conversation regarding positions in Health Information Management Services. The remaining allegations of paragraph 12 are denied.

13. Denied.

14. Denied.

15. Denied.

16. The allegations in paragraph 16 constitute a prayer for relief to which no responsive pleading is required. To the extent that an answer may be required, Defendants deny that Plaintiff is entitled to any relief.

17. The allegations in paragraph 17 constitute a prayer for relief to which no responsive pleading is required. To the extent that an answer may be required, Defendants deny that Plaintiff is entitled to any relief.

ADDITIONAL DEFENSES

1. Plaintiff's claims for monetary relief are barred or diminished to the extent she has failed to mitigate her damages.

2. Plaintiff's claims are barred to the extent that they may be preempted by the Employee Retirement Income Security Act ("ERISA").

3. Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

4. Plaintiff's Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

5. To the extent Plaintiff is claiming discrimination or bringing any statutory claim, Plaintiff's claims are barred for failure to satisfy the statutory and/or jurisdictional prerequisites to the institution of an action under any such statute.

6. All actions taken with respect to Plaintiff were taken in good faith and without discriminatory, harassing or retaliatory motive and for legitimate, non-discriminatory reasons.

7. Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver and estoppel.

8. Because Plaintiff's Complaint is couched in rambling terms, Defendants cannot fully anticipate all defenses that may be applicable to this action. Accordingly, Defendants reserve the right to assert additional defenses if and to the extent that such defenses are applicable.

WHEREFORE, Defendants request that the Court grant judgment in Defendants' favor on all claims contained in the Complaint and award to Defendants their reasonable costs and attorneys' fees incurred in defending against this action.

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Dated: June 26, 2006

Attorneys for Defendants Christiana Care
Health Systems, Richard Burton, and
Clare Clark

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on June 26, 2006, I electronically filed the attached

DEFENDANTS' ANSWER AND ADDITIONAL DEFENSES TO PLAINTIFF'S

COMPLAINT with the Clerk of Court using CM/ECF, and that I have mailed by United

States Postal Service the document to the following non-registered participant:

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